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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,114	01/17/2006	Michael Dadi	P-70724-US	6148
49443 7590 03/16/2010 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036				
EXAMINER				
SINGH, SUNIL K				
ART UNIT		PAPER NUMBER		
3732				
MAIL DATE		DELIVERY MODE		
03/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,114

Applicant(s)

DADI, MICHAEL

Examiner

Sunil K. Singh

Art Unit

3732

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-119 is/are pending in the application.
- 4a) Of the above claim(s) 87-95, 99, 104 and 107-119 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-86, 96-98, 100-103, 105 and 106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's amendments filed on 11/16/2009.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 83-86 are rejected under 35 U.S.C. 102(b) as being anticipated by Blacklock et al. (US 5,695,334).

Blacklock discloses an amenable abutment device that includes: a prefabricated intra-implant element (104) that fits in the dental implant or implant analog (2); a prefabricated intra-crown element (102) to be connected to the dental prosthesis (6); a resilient intermediary connection element (106) for connecting between the intra-crown element and the intra-implant element (104); wherein the intermediate element comprises a deformable element and bonding material (108) wherein the bonding material is wax (column 5, line 11); wherein the connection element is capable of being adjustable in height orientation and lateral position that is used to determine a proper relative position of the intra implant element with respect to the intra crown element so as to facilitate forming a model abutment or a permanent abutment; wherein the intra-crown element is capable for precise fitting to an adapter; and wherein the deformable

element (108) comprises an initially soft material that is eventually capable of hardening; and wherein the intra-implant element includes a bore (middle of 104).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 96-98, 100-103 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacklock in view of Phimmasone (US 5,658,147).

Blacklock discloses the invention substantially as claimed except for a kit comprising a plurality of the various claimed elements and wherein the intra crown element is adapted to fit into a porcelain crown.

Phimmasone teaches a dental crown (21) made out of porcelain (column 4, line 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock to include a crown made of porcelain, as taught by Phimmasone, since such crowns are well known in the art. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock/Phimmasone to include a kit containing a plurality of the claimed elements in order to provide multiple dental restorations for a patient in need of more than one tooth restoration.

Claims 96-98, 100-103 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacklock in view of Feng (US 2005/0048440).

Blacklock discloses the invention substantially as claimed except for a kit comprising a plurality of the various claimed elements and wherein the intra crown element is adapted to fit into a temporary crown

Feng teaches an abutment device adapted to attach to a temporary dental crown (141). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock to include a device that is adapted to fit into a temporary dental crown, as taught by Phimmasone, since devices are well known in the art. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blacklock/Feng to include a kit containing a plurality of the claimed elements in order to provide multiple dental restorations for a patient in need of more than one tooth restoration.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments filed 11/16/2009 have been fully considered but they are not persuasive. Applicant argues that Blacklock does not disclose an intra-implant that fits inside a dental implant. However the Examiner respectfully disagrees. It is clear from Figure 1, that element 104 is meant to fit into a dental implant (2) and since no special definition is given to an intra-implant, it is the Examiner's position that Blacklock meets this limitation. Applicant also argues that Blacklock does not disclose an intra-

implant being deformable. However, the Examiner notes that the applicant never claims that the element is deformed but rather that the element is capable of being deformed. It is the Examiner's position that Blacklock has the capability of being deformed. Furthermore, according to *Dictionary.com*, the term "deform" is defined to mean "to change the form of" or "to put out of shape". Blacklock teaches that the element is "bendable" and therefore it does deform for a certain period of time as it bends out of its original form.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-

3460. The examiner can normally be reached on Monday-Friday (Increased Flex Schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/11/2010

/Sunil K Singh/
Examiner, Art Unit 3732

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732